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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/421,086 10/19/99 KOHNO

Y 2018-265

EXAMINER

MMC2/0925

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ARLINGTON VA 22201

DICKENS, C

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/42,086

Applicant(s)

KOHNO

Examiner

DICKENS

Group Art Unit

2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
 - ☐ received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 46
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

09/421086

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1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The drawings filed on 10/19/99 have been approved by the Draftsperson.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Konzelmann. Konzelmann teaches a flow amount measuring apparatus comprising: a fluid temperature detector R_K ; a heater R_H controllable to a reference temperature R_1 which is either one of a fixed temperature and a variable temperature responsive to the fluid temperature detected by the fluid temperature detector; a flow amount detector R_S disposed at either one of an upstream side and a downstream side of the heater with respect to a direction of fluid flow and changes its temperature in response to the fluid flow amount and the fluid flow direction; and a detecting means (col. 3, lines 3-24) for detecting the fluid flow amount variable with the fluid flow

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direction from the temperature detected by the fluid amount detector; wherein the detecting means is for producing an output corresponding to a difference between the temperature detected by the fluid amount detector and a fixed temperature and the temperature detected by the fluid temperature detector and varying in dependence on a temperature difference between the predetermined temperature and the temperature detected by the flow amount detector (col. 3, lines 25-60); substrate 15 on which the fluid temperature detector, the fluid amount detector and the heater are formed, the substrate having slits 50 at the upstream side of the flow amount detector and the downstream side of the heater and a cavity underneath the fluid temperature detector (col. 3, lines 60-68).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konzelmann in view of Hiromasa et al. (US Pat 4,399,698). Claims differ from Konzelmann with the recitation of

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a second temperature detector. Hiromasa et al. discloses a second temperature detector 12 for the purpose of decreasing heat consumption and heat loss and thus improving the accuracy of gas flow measurement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second temperature detector in Konzelmann as taught by Hiromasa et al. for the purpose of decreasing heat consumption and heat loss and thus improving the accuracy of gas flow measurement.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.



cd/dickens
September 23, 2001



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